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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,066	01/06/2004	Noel Lee	P1560	3414

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EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT PAPER NUMBER

2615

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/753,066

Applicant(s)

LEE, NOEL

Examiner

Phylesha L. Dabney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/23/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in response to the application filed on 6 January 2004 in which claims 1-19 are pending.

#### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-19 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 10/655,494. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims in the present application are covered by the scope of the claims in the patent with obvious wording variations.

Lee '494 teaches a flat panel monitor frame, comprising: a plurality of frame sections suitable for bordering a flat panel monitor, the frame sections comprising: a frame top; a frame right side extending downward from the frame top; and a frame left side extending downward from the frame top; at least one planar speaker residing in at least one of the frame sections; and

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a conductor for electrically coupling the at least one planar speaker to a source of at least one speaker signal associated with the flat panel monitor which are examples of obvious wording variations of the present applications.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schickedanz (U.S. Patent No. 4,410,761), in view of Bohmer (U.S. Patent No. 4,658,188).

Regarding claims 1 and 14, Schickedanz teaches a monitor frame (tube, 2), comprising: a plurality of frame sections (fig. 2) suitable for bordering a monitor, the frame sections comprising: a frame top (13); a frame right side (12) extending downward from the frame top; and a frame left side (11) extending downward from the frame top; at least one planar speaker (11-13, wherein the stereo speaker can be an all range speaker, i.e. electrostatic speaker, col. 4 lines 32-56) residing in at least one of the frame sections; and inherently includes a conductor for electrically coupling the at least one planar speaker to a source of at least one speaker signal (figs. 5-7, col. 3 lines 46-50, col. 4 lines 44-50, col. 5 line 24 through col. 6 line 19) associated with the monitor.

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Schickedanz fails to specifically teach that the monitor (tube, 2) is a flat panel monitor.

Bohmer teaches a tube television monitor has a flat panel for potentially eliminating the bulk envelope (col. 1 lines 12-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the monitor of Schickedanz as a flat panel monitor as taught by Bohmer for the reason stated above.

Regarding claim 2, the combination of Schickedanz and Bohmer teaches the flat panel monitor frame of claim 1, wherein the at least one planar speaker comprises at least one right planar speaker (12, 2-channel stereo all range speaker, col. 4 lines 32-34) mounted in the frame right side and at least one left planar speaker (11, 2 channel stereo all range speaker, col. 4 lines 32-34) mounted in the frame left side.

Regarding claims 3-4 and 6, the combination of Schickedanz and Bohmer teaches that the at least speaker is a tweeter or electrostatic (col. 4 lines 5-8). In the instance that the speaker is a tweeter, the combination does not specify or limit the construction to planar or other.

It is known to use a planar speaker, i.e. at least one ribbon speaker, at least one quasi-ribbon speaker, or at least one distributed mode loudspeaker (DML), made by different manufactures and used in many applications utilizing monitors, requiring flat panel speakers for producing upper range sound, i.e. tweeter, without needing a bulky conical system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of the flat panel speakers listed above in the invention of the combination of Schickedanz and Bohmer for producing sound while conserving space in the invention.

Regarding claim 5, the combination of Scheckdanz and Bohmer teaches the flat panel monitor frame of claim 1, wherein the at least one planar speaker comprises at least one electrostatic loudspeaker (ESL) (col. 4 lines 5-8).

Regarding claim 7, the combination of Schickedanz and Bohmer fails to teach the flat panel monitor frame of claim 1, further including a plurality of removable grills disposed over the at least one planar speaker.

However, it is known in the art to include a removable grill over the speaker(s) to beneficially allow improved cleaning of the grill so that the speaker(s) continue to be protected and optimal sound is produced. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a removable grill over the speaker(s) of the invention of the combination of Schickdanz and Bohmer to beneficially allow improved cleaning of the grill so that the speaker(s) continue to be protected and optimal sound is produced.

Regarding claim 8, the combination of Schickdanz and Bohmer fails to teach the flat panel monitor frame of claim 1, wherein the at least one planar speaker is mounted in an aluminum extrusion.

However, it is known to include aluminum alloys in frame structures for reducing electromagnetic field interference and/or aesthetic appeal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include

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aluminum alloys in frame structure of the combination of Schickdanz and Bohmer for reducing electromagnetic field interference.

Regarding claim 9, the combination of Schickedanz and Bohmer teaches the flat panel monitor frame of claim 1, wherein a planar speaker processing circuit (figs. 5-7, col. 3 lines 46-50, col. 4 lines 44-50, col. 5 line 24 through col. 6 line 19) resides in at least one frame section of the plurality of frame sections (for example, speaker 13 is removable and includes circuitry "within" its housing, col. 4 lines 32-56).

Regarding claim 10, the combination of Schickedanz and Bohmer teaches the flat panel monitor frame of claim 1, further including at least one conventional speaker (11-13, wherein a monospeaker, such as woofer, is used to supply limited frequency, col. 4 lines 32-56).

Regarding claim 11, Schickedanz teaches the flat panel monitor frame of claim 1, wherein the at least one planar speaker comprises at least one right planar speaker being mounted in the frame right side and at least one left planar speaker being mounted in the frame left side, and further including at least one right conventional speaker being mounted in the frame right side and at least one left conventional speaker being mounted in the frame left side.

Regarding claim 12, the combination of Schickedanz and Bohmer teaches the flat panel monitor frame of claim 1, wherein the at least one planar speaker comprises at least one right planar speaker (12, 2-channel stereo all range speaker, col. 4 lines 32-34) being mounted in the

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frame right side and at least one left planar speaker (11, 2-channel stereo all range speaker, col. 4 lines 32-34) being mounted in the frame left side, and at least one planar speaker (13, 2-channel stereo all range speaker, col. 4 lines 32-56) being mounted in the frame top.

Regarding claim 13, the combination of Schickedanz and Bohmer teaches the flat panel monitor frame of claim 1, further including a frame bottom/back support board (14).

Regarding claims 15-16, the combination of Schickedanz and Bohmer fails to specifically teach the flat panel monitor frame of claim 1, further including a removable replaceable trim composed of wood.

However, it is known to include removably replaceable wood trim on a flat panel monitor frame for aesthetic appeal and to fill-in between adjoining sections. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include removably replaceable wood trim on a flat panel monitor frame of the combination of Schickedanz and Bohmer for aesthetic appeal and the fill-in between adjoining sections.

Regarding claim 17, see the rejection of claims 7, 13, and 15-16.

Regarding claim 18, see the rejection of claims 1 and 12.

Regarding claim 19, see the rejection of claim 14.



***Response to Arguments***

With respect to the Double Patenting Rejection, a Terminal Disclaimer has not been received.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

With respect to the Applicant's arguments pertaining to 35 U.S.C. 103(a) rejections using official notice statements, the MPEP (2144.03) states that if the Applicant did not traverse the Examiner's assertion of official notice or Applicant's traverse is not adequate; the Examiner should clearly indicate in the next office action that the common knowledge or well-known in the art statement is taken to be admitted prior art.

The Applicant failed to adequately traverse the Examiner's assertion of official notice, because the Applicant did not specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241. Therefore, the official notice statements are maintained.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Goetz, Jr. et al (U.S. Patent No. 3,650,584) teaches removable grill and trim (col 1 lines 12-18).

Azima (U.S. Publication No. 2001/0026625) teaches a DML speaker used with a flat monitor.

Article: "JES '96 Sony Intros First Plasmatron Home TV..." teaches a flat monitor utilizing a flat panel ribbon speaker.

Article: Final Sound Introduces New Line..." teaches incorporating an aluminum frame with a electrostatic speaker.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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Alexandria, VA 22313-1450

**Or faxed to:**

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 20, 2006

  
PLD

  
SINH TRAN  
SUPERVISORY PATENT EXAMINER